



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-11 – Public Participation Guidelines; Department of Mental Health, Mental Retardation and Substance Abuse Services

August 12, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board of Mental Health, Mental Retardation and Substance Abuse Services proposes to revise its public participation guidelines (PPGs) to clarify that the Board rather than the Department has the legal authority to promulgate regulations. In addition, the proposed regulation includes provisions for periodic review of regulations, eliminates unnecessary restrictions on the appointment and dissolution of ad hoc advisory committees, and incorporates electronic forms of regulatory submission, notification, and communication. Several editorial changes are also proposed.

Estimated Economic Impact

Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in a particular area of regulation.

There are no clear disadvantages associated with the changes proposed by the Board of Mental Health, Mental Retardation and Substance Abuse Services. The Board will have more flexibility in establishing ad hoc advisory committees and using them as long as they are needed. Interested parties will be encouraged to be notified of regulatory actions electronically through the Virginia Regulatory Town Hall. However, individuals may also choose to remain on the traditional mailing lists, which will continue to be maintained by the Board. While it is not known if this change will increase or decrease public participation in the development of the Board's regulations, any change is likely to be very small.

If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the Board. In addition to the potential fiscal benefits, these changes also allow the Board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

Businesses and Entities Affected

This change will affect individuals and organizations interested in the regulations promulgated by the Board of Mental Health, Mental Retardation and Substance Abuse Services in Virginia. There are currently about 130 persons/entities, including the 15 state mental health and mental retardation facilities and the 40 community services boards, listed on the PPG mailing list for the Board of Mental Health, Mental Retardation and Substance Abuse Services.¹

Localities Particularly Affected

No localities are particularly affected by the proposed changes to this regulation.

Projected Impact on Employment

The proposed changes to this regulation are not anticipated to have a significant effect on employment in Virginia.

Effects on the Use and Value of Private Property

The proposed changes to this regulation are not anticipated to have a significant effect on the use and value of private property.

¹ Numbers provided by the Department of Mental Health, Mental Retardation, and Substance Abuse Services, 8/12/02.